

## Message Text

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ACTION AF-08

INFO OCT-01 ISO-00 ONY-00 ES-01 /010 W  
-----311637Z 124635 /42

R 311055Z JAN 77  
FM AMEMBASSY LOME  
TO SECSTATE WASHDC 1669

C O N F I D E N T I A L SECTION 1 OF 2 LOME 0252

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E.O. 11652: GDS  
TAGS: SHUM, TO  
SUBJECT: HUMAN RIGHTS SITUATION IN COUNTRIES RECEIVING DEVELOPMENT

ASSISTANCE: TOGO

REF: STATE 014518

1. POLITICAL SITUATION: TOGO GAINED INDEPENDENCE FROM FRANCE IN 1961 UNDER THE LEADERSHIP OF ITS FIRST PRESIDENT SYLVANUS OLYMPIO. HE INSTITUTED ONE-PARTY RULE AND POLICE-STATE CONTROLS. HE WAS DEPOSED IN BLACK AFRICA'S FIRST MILITARY COUP IN 1963. THE MILITARY REMAINED IN THE BACKGROUND DURING THE 1963-67 RULE OF PRESIDENT NICHOLAS GRUNITSKY BUT COLONEL GNASSINGBE EYADEMA, WHO HAD BECOME HEAD OF THE ARMY IN 1965, DEPOSED GRUNITSKY IN JANUARY 1967 AND INSTITUTED A MILITARY-BASED REGIME. PRESIDENT EYADEMA CELEBRATED THE TENTH ANNIVERSARY OF HIS RULE ON JANUARY 13, 1977.

2. PRESIDENT EYADEMA FOUNDED THE RASSEMBLEMENT DU PEUPLE TOGOLAIS (RALLY OF THE TOGOLESE PEOPLE, RPT) IN 1969 AND THIS PARTY, OF GAULLIST INSPIRATION, MARXIST-LENINIST ORGANIZATIONAL STRUCTURE  
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AND ZAIROIS POLITICAL VOCABULARY AND CONTENT, IS THE SOLE TOGOLESE POLITICAL PARTY. IT IS AN ALL-ENCOMPASSING MASS PARTY.

3. PRESIDENT EYADEMA RETAINS HIS MILITARY RANK AND IS GENERAL OF THE ARMY AS WELL AS PRESIDENT OF THE PARTY. HE IS THE ONLY MILITARY MEMBER

OF THE PARTY'S NINE-MAN NATIONAL POLITICAL BUREAU. OTHER MEMBERS INCLUDE FIVE CABINET MINISTER-TECHNOCRATS. TWO MILITARY OFFICERS (ONE OF WHOM IS ALSO A CABINET MINISTER) ARE MEMBERS OF THE 22-PERSON CENTRAL COMMITTEE. ALTOGETHER TEN CABINET OFFICERS ARE MEMBERS OF THE CENTRAL COMMITTEE. FOUR WOMEN, REPRESENTING THE RPT NATIONAL WOMEN'S ORGANIZATION, ARE MEMBERS. THE REMAINING EIGHT PERSONS ARE TECHNOCRATS AND INTELLECTUALS.

4. IN THE TEN YEARS OF PRESIDENT EYADEMA'S RULE GREAT STRESS HAS BEEN PLACED ON ORDER AND NATIONAL UNITY. THE PROUDEST BOAST OF THE EYADEMA REGIME IS THAT IT ENDED A PERIOD OF POLITICAL TURMOIL AND VIOLENCE. POLITICAL POWER HAS BEEN EXERCISED TO DIMINISH TRIBAL AND REGIONAL ANTAGONISMS AND TO ACHIEVE AN

ORDERLY CLIMATE FOR ECONOMIC DEVELOPMENT. TO ACHIEVE THESE ENDS THE GOT HAS PURSUED ESSENTIALLY AUTHORITARIAN POLICIES AND HAS TOLERATED NO POLITICAL CHALLENGES.

5. NO FREE ELECTIONS HAVE TAKEN PLACE IN THE 1967-77 PERIOD, ALTHOUGH AN UNOPPOSED 1972 PLEBISCITE OVERWHELMINGLY SUPPORTED PRESIDENT EYADEMA'S RULE. THE GOVERNMENT APPEARS TO ENJOY, HOWEVER, A WIDE MEASURE OF SUPPORT AND HAS SUCCESSFULLY

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ACHIEVED APPARENT LEGITIMACY, ALTHOUGH ITS ACTUAL POPULARITY HAS NOT BEEN MEASURED BY THE ELECTORAL PROCESS.

6. LEGAL SITUATION: THE SOURCES OF TOGOLESE JURISPRUDENCE ARE FOUND IN THOSE FRENCH LAWS WHICH WERE APPLIED TO TOGO BEFORE INDEPENDENCE; THE NOW-DEFUNCT CONSTITUTIONS OF 1961 AND 1963; STATUTES ENACTED BY THE DEFUNCT NATIONAL ASSEMBLY AND EXECUTIVE DECREES. EXECUTIVE DECREES ARE THE MOST BINDING EXPRESSION OF LAW.

7. LAW 61-17 OF JUNE 12, 1961 CODIFIED THE STRUCTURE OF THE TOGOLESE JUDICIAL SYSTEM AND PROVIDED FOR COURTS OF VARIOUS CIVIL, CRIMINAL, MODERN AND TRADITIONAL JURISDICTIONS. A SUPREME COURT WAS ESTABLISHED IN 1964. THE EXECUTIVE BRANCH DOMINATES THE JUDICIAL BRANCH. JUDGES ARE APPOINTED FOR LIFE BUT SERVE AT THE PLEASURE

OF THE PRESIDENT. NO JUDGES ARE KNOWN TO HAVE BEEN PERMANENTLY REMOVED FROM THE BENCH FOR DECISIONS CONTRARY TO PRESIDENTIAL POLICY.

8. THE COURT RECOGNIZES NO LEGAL LIMITS ON ITS AUTHORITY BUT ARBITRARY EXERCISE OF POWER IS INFREQUENT AS ARE CASES OF FLAGRANT ABUSE OF POWER. THE ADMINISTRATION OF JUSTICE IN CIVIL AND CRIMINAL CASES IS NORMALLY FREE OF EXECUTIVE BRANCH INTERFERENCE. IN CASES WHERE THE EXECUTIVE BRANCH HAS A POLITICAL INTEREST, THE COURTS EXECUTE THE GOVERNMENT'S WISHES.

9. STANDARD CONSTITUTIONAL GUARANTEES, AS CONTAINED IN THE 1961 AND 1963 CONSTITUTIONS, WERE SUSPENDED BY THE JANUARY 13, 1967 PROCLAMATION UNDER WHICH THE ARMY TOOK RESPONSIBILITY FOR ALL CIVIL, POLITICAL AND MILITARY POWERS.

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TOGO HAS NO KNOWN POLITICAL PRISONERS AT PRESENT.

AT VARIOUS TIMES IN THE PAST PERSONS HAVE BEEN DETAINED FOR POLITICAL REASONS. THERE UNDOUBTEDLY ARE A LIMITED NUMBER OF PERSONS PRESENTLY UNDER "ADMINISTRATIVE DETENTION" BUT THIS IS A CATCH-ALL CATEGORY WHICH WOULD INCLUDE ALL TYPES OF SHORT-TERM "DISCIPLINARY" CONFINEMENTS.

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ACTION AF-08

INFO OCT-01 ISO-00 ONY-00 ES-01 /010 W  
-----311934Z 126864 /43

R 311055Z JAN 77  
FM AMEMBASSY LOME  
TO SECSTATE WASHDC 1670

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10. ACTUAL OBSERVANCE OF HUMAN RIGHTS (AS BASED  
ON UN DECLARATION OF HUMAN RIGHTS):

A. INTEGRITY OF THE PERSON.

ARTICLE 3 - THE RIGHT TO LIFE, LIBERTY  
AND SECURITY OF PERSON IS NORMALLY RESPECTED IN  
TOGO. NEVERTHELESS, ARBITRARY ARRESTS DO OCCUR.  
IN GENERAL, HOWEVER, A FAIR ASSESSMENT IS THAT  
NOTWITHSTANDING THE FACT THAT TOGO HAS AN  
AUTHORITARIAN REGIME, THE RIGHT OF LIFE, LIBERTY  
AND SECURITY OF PERSON IS MORE RESPECTED NOW  
THAN IN THE DAYS (1961-67) OF THE CONSTITUTIONAL  
CIVILIAN GOVERNMENT. THE TOGOLESE ATMOSPHERE IS  
CAUTIOUS RATHER THAN FEARFUL.

ARTICLE 4 - NEITHER SLAVERY NOR INVOLUNTARY  
SERVITUDE ARE PRACTICES IN TOGO.

ARTICLE 5 - TORTURE FOLLOWING ARBITRARY  
ARREST HAS OCCASIONALLY OCCURRED. IN AT LEAST  
ONE 1975 CASE DEATH OCCURRED AS A RESULT OF  
TORTURE. THE PRESIDENT WAS CONFRONTED AT A  
MEETING OF HIS PARTY IN NOVEMBER 1976 ABOUT  
THIS CASE AND OTHER ALLEGED INSTANCES OF CRUEL,  
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INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT AND  
HE DISAVOWED THESE CASES AS ATROCITIES PERPETRATED  
BY SUBORDINATES WITHOUT HIS ADVANCE KNOWLEDGE  
OR SANCTION.

ARTICLE 8 - EFFECTIVE REMEDIES BY  
COMPETENT NATIONAL TRIBUNALS FOR ACTS INVOLVING  
VIOLATION OF CIVIL OR CRIMINAL CODES TYPICALLY  
ARE AVAILABLE. PROCEDURAL REMEDIES IN CASES  
INVOLVING POLITICAL CHARGES ARE NORMALLY NOT  
AVAILABLE, HOWEVER, PERSONAL APPEAL TO THE  
PRESIDENT IS OCCASIONALLY EFFECTIVE.

ARTICLE 9 - ARBITRARY ARREST AND  
DETENTION OCCASIONALLY OCCUR. DETENTION APPEARS  
TO BE BRIEF AND EXEMPLARY. HOWEVER, PERIODS  
OF DETENTION ARE INDEFINITE AND ARBITRARY.

ARTICLE 10 - HEARINGS TO DETERMINE  
RIGHTS ARE AVAILABLE IN CIVIL AND CRIMINAL  
CASES. HEARINGS ARE NOT NORMALLY HELD IN  
CASES INVOLVING POLITICAL CHARGES.

ARTICLE 11 - LEGAL GUARANTEES, WITHIN THE CONTEXT OF THE NAPOLEONIC CODE, OF A PUBLIC TRIAL AND PROVISION FOR DEFENSE COUNSEL ARE AVAILABLE IN CIVIL AND CRIMINAL TRIALS. SUCH GUARANTEES ARE NOT AVAILABLE WITH RESPECT TO POLITICAL CASES.

B. OTHER IMPORTANT RIGHTS.

ARTICLE 2 - PRESIDENT EYADEMA, A MEMBER OF A MINORITY NORTHERN ETHNIC GROUP, HAS STRENUOUSLY ENDEAVORED TO REDUCE TRADITIONAL DISPARITIES AND FAVORITISM ENJOYED BY SOUTHERN ETHNIC GROUPS.  
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A KEY CONCEPT OF THE RASSEMBLEMENT DU PEUPLE TOGOLAIS IS THE ELIMINATION OF DISCRIMINATION BASED ON REGIONALISM AND TRIBALISM SO THAT ALL TOGOLESE EVERYWHERE IN THE NATION CAN ENJOY THE BENEFITS OF THE NATIONAL SOCIETY. GOVERNMENT ADMINISTRATORS ARE CHOSEN FROM NEARLY ALL THE 40 OR SO TOGOLESE ETHNIC GROUPS. GREAT EMPHASIS IS BEING PUT ON THE DEVELOPMENT OF TRADITIONALLY POVERTY-RIDDEN AND LESS-ADVANCED REGIONS.

TOGOLESE WOMEN HAVE STRONG ECONOMIC AND SOCIAL ROLES. THE RECENT ELEVATION OF FOUR WOMEN TO THE 22-MEMBER CENTRAL COMMITTEE OF THE PARTY IS TESTIMONY TO THE GROWING POLITICAL ROLE WOMEN ARE PLAYING.

ARTICLE 13 - FREEDOM OF MOVEMENT IS GENERALLY NOT INTERFERED WITH EITHER FOR TRAVEL INSIDE THE COUNTRY OR ABROAD.

ARTICLE 17 - AT THE SECOND STATUTORY CONGRESS OF THE RPT IN NOVEMBER 1976, THE ECONOMIC POLICY OF TOGO WAS PROCLAIMED TO BE ONE OF "ECONOMIC LIBERALISM" WHICH REFLECTED THE "SPECIAL TOGOLESE APTITUDE FOR COMMERCE." TOGO HAS AN OPEN MARKET, A CAPITALIST ECONOMY AND A VIGOROUS PRIVATE SECTOR. THE RIGHT TO PROPERTY IS RESPECTED.

ARTICLE 18 - THE RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE IS SUBJECT TO OCCASIONAL ARBITRARY INTERFERENCE. TOGOLESE CITIZENS CAN BE SUBJECTED TO CORPORAL PUNISHMENT FOR "SLANDERING" THE PRESIDENT OR THE REGIME. FREEDOM OF RELIGION

IS OBSERVED.

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ARTICLE 19 - FREEDOM OF OPINION AND  
EXPRESSION IS INHIBITED BY THE AUTHORITARIAN  
NATURE OF THE REGIME. HOWEVER, MECHANISMS APPEAR  
TO EXIST WITHIN THE PARTY FOR SUCH EXPRESSION.  
A MINI-CONGRESS OF THE RPT IN SOKODE IN  
NOVEMBER 1976 PRIOR TO THE AFOREMENTIONED  
SECOND STATUTORY CONGRESS OF THE RPT HAD  
LIVELY AND OFTEN CRITICAL DISCUSSIONS OF THE  
POLITICAL AND ECONOMIC PERFORMANCE OF THE GOT.  
SPECIFICALLY CRITICIZED WERE THE GOVERNMENT'S  
HANDLING OF FINANCES; ITS INFORMATION POLICY  
(TOO MUCH ON NORTH KOREA AND CHINA AND NOT  
ENOUGH HARD INFORMATION GENERALLY); LACK OF  
ADEQUATE PRICE CONTROLS; AND HUMAN RIGHTS  
ABUSES COMMITTED IN THE PRESIDENT'S NAME (SEE  
ARTICLE 5). PRESIDENT EYADEMA WAS FORCED TO  
DEFEND HIMSELF AGAINST THESE CHARGES. PERSONS  
WHO MADE SUCH CHARGES HAVE NOT REPORTEDLY BEEN  
SUBJECT TO HARASSMENT. AT LEAST ONE OF THE  
MOST VOCAL CRITICS AT SOKODE WAS ELEVATED TO  
THE CENTRAL COMMITTEE. NEVERTHELESS, PUBLIC  
CRITICISM OF THE LEADERSHIP OR THE GOVERNMENT  
OUTSIDE THE HIGHER REACHES OF THE PARTY IS NOT  
TOLERATED.

THERE IS TOTAL GOVERNMENT CONTROL OF  
THE MEDIA.

ARTICLE 20 - FREEDOM OF ASSEMBLY IS  
RESPECTED EXCEPT FOR UNAUTHORIZED POLITICAL  
PURPOSES.

D. OTHER REPORTING: THE EMBASSY IS NOT  
AWARE OF ANY NON-US GOVERNMENT HUMAN RIGHTS  
REPORTING ON TOGO.

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## Message Attributes

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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009